



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,153	09/09/2003	Amy Rutkowski	2535.110	9989

7590

07/15/2004

Geoffrey R. Myers, Esquire
Hall, Priddy, Myers & Vande Sande
Ste. 200
10220 River Road
Potomac, MD 20854

EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,153

Applicant(s)

RUTKOWSKI, AMY

Examiner

Sunil Singh

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/4/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 1 "capable of capable of" appears to be redundant. Appropriate correction is required.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The subject matter called for in claims 12 and 13 where never disclosed with the embodiment requiring a plurality of pockets and inserts, namely that of figure 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos (US 4689844) in view of Zheng (US 6557192) and Aboud et al. (US 6237945).

Alivizatos discloses an apparatus comprising a generally planar shield portion (see Figs. 1,2) having an upper surface supporting an infant and lower surface contacting a diaper changing support surface, said shield portion comprising fabric pocket, said fabric pocket having a compartment having an aperture. The fabric pocket includes an inner liquid permeable shell (28). The fabric pocket is a comfortable changing surface

Art Unit: 3673

(see col. 3 line 45+). Alivizatos discloses the invention substantially as claimed.

However, Alivizatos lacks a rigid, foldable, impermeable insert. Further, Alivizatos lacks shoulder restraining means. Zheng teaches a rigid foldable impermeable insert (28). Aboud et al. teaches shoulder restraining means (see Fig. 1). It would have been considered obvious to one of ordinary skill in the art to modify Alivizatos by substituting the insert as taught by Zheng for the insert (plastic beads) disclosed by Alivizatos since such an arrangement allows for the apparatus to straddle a sink in the event the baby needs to be changed in a restroom environment. It would also be obvious to one of ordinary skill in the art to modify Alivizatos by substituting the restraining means as taught by Aboud et al. for the restraining means disclosed by Alivizatos since it is a design choice to restrain the lower half or the upper half of a baby. It should be noted that supporting the upper half allows for the baby to have his/her diaper changed while still being restrained.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos in view of Zheng and Aboud et al. as applied to claim 10 above, and further in view of Nappe (US 2834970).

Alivizatos (as modified above) discloses the invention substantially as claimed.

However, Alivizatos (as modified above) lacks a layer of padding between the outer layer and the inner layer. Nappe teaches a layer of padding (14) between an outer layer (12) and inner layer (13). It would have been considered obvious to one of ordinary skill in the art to further modify Alivizatos (as modified above) to include the padding as taught by Nappe in order to provide additional comfort.

Art Unit: 3673

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos in view of Zheng and Aboud et al. as applied to claim 5 above, and further in view of Taylor (US 5028468).

Alivizatos (as modified above) discloses the invention substantially as claimed.

However, Alivizatos (as modified above) is silent about including an anti-skid surface on the lower surface of the shield portion. Taylor teaches an anti-skid surface on the lower surface of a shield portion. It would have been considered obvious to one of ordinary skill in the art to further modify Alivizatos (as modified above) to include an anti-skid surface on the lower of the shield as taught by Taylor in order to prevent the baby support structure from moving inadvertently.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos (US 4689844) in view of Firkins, Jr. et al. (US 6058535) and Aboud et al. (US 6237945).

Alivizatos discloses the invention substantially as claimed (see Fig. 6). However, Alivizatos lacks a plurality of rigid inserts. Further, Alivizatos lacks shoulder restraining means. Firkins, Jr. et al. teaches a plurality of rigid inserts (20). Aboud et al. teaches shoulder restraining means (see Fig. 1). It would have been considered obvious to one of ordinary skill in the art to modify Alivizatos by substituting the inserts as taught by Firkins, Jr. et al. for the insert (plastic beads) disclosed by Alivizatos since such an arrangement provides good insulation for the baby. It would also be obvious to one of ordinary skill in the art to modify Alivizatos by substituting the restraining means as taught by Aboud et al. for the restraining means disclosed by Alivizatos since it is a design choice to restrain the lower half or the upper half of a baby. It should be noted

Art Unit: 3673

that supporting the upper half allows for the baby to have his/her diaper changed while still being restrained.

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos in view of Firkins, Jr. et al. and Aboud et al. as applied to claim 9 above, and further in view of Nappe (US 2834970).

Alivizatos (as modified above) discloses the invention substantially as claimed.

However, Alivizatos (as modified above) lacks an inner impermeable layer and a layer of padding between the outer layer and the inner layer. Nappe teaches a layer of padding (14) between an outer layer (12) and inner impermeable layer (13). It would have been considered obvious to one of ordinary skill in the art to further modify Alivizatos (as modified above) to include the padding and inner impermeable layer as taught by Nappe in order to provide additional comfort and waterproofness.

9. Claims 14,15,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos (US 4689844) in view of Aboud et al. (US 6237945).

Alivizatos discloses an apparatus comprising a generally planar shield portion (see Figs. 1,2) having an upper surface supporting an infant and lower surface contacting a diaper changing support surface, said shield portion comprising fabric pocket, said fabric pocket having a compartment having an aperture. The fabric pocket includes an inner liquid permeable shell (28). The fabric pocket is a comfortable changing surface (see col. 3 line 45+). Alivizatos discloses the invention substantially as claimed.

However, Alivizatos lacks shoulder restraining means. Aboud et al. teaches shoulder restraining means (see Fig. 1). It would have been considered obvious to one of

ordinary skill in the art to modify Alivizatos by substituting the restraining means as taught by Aboud et al. for the restraining means disclosed by Alivizatos since it is a design choice to restrain the lower half or the upper half of a baby. It should be noted that supporting the upper half allows for the baby to have his/her diaper changed while still being restrained.

10. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alivizatos in view of Aboud et al. as applied to claim 15 above, and further in view of Nappe (US 2834970).

Alivizatos (as modified above) discloses the invention substantially as claimed.

However, Alivizatos (as modified above) lacks a layer of padding between the outer layer and the inner layer. Nappe teaches a layer of padding (14) between an outer layer (12) and inner layer (13). It would have been considered obvious to one of ordinary skill in the art to further modify Alivizatos (as modified above) to include the padding as taught by Nappe in order to provide additional comfort.

Conclusion

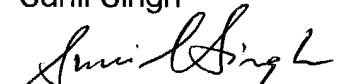
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh


Patent Examiner
Art Unit 3673

SS


7/9/2004